

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

BOARD OF CHIROPRACTIC EXAMINERS

MINUTES OF THE MEETING

Friday, May 12th, 2017

*These are **DRAFT** minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.*

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Chiropractic Examiners was held at Suite 1620 and 1656 in the Robert Atwood Building, 550 West 7th Avenue, Anchorage, Alaska.

Friday, May 12th, 2017

Agenda Item 2

Oral Interview with Board

Time: 9:10 a.m.

Zachary Byrne, Eric Hurd, Elizabeth Reichert, Nicholas McCarty, Joshua Weight, Robyn Cassutt, and Scott Washburn entered the room for their oral interviews with the Board. The Board, as led by the Chair, Dr. Walter Campbell, informed all the examination candidates of the Alaska Chiropractic Society, which is a great resource to keep them informed of current issues, topics, and up-to-date laws related to the chiropractic profession.

For the record, the Board discussed and voted on Zachary Byrne's license application as one of the members had a question regarding a "yes" answer noted in his application when it was sent to them via an email ballot. Prior to voting, Dr. Campbell stated that he is recusing himself from voting due to a possible conflict of interest, as the applicant is seeking employment in Unalaska, wherein there are only two clinics, one of which is his.

On a motion duly made by Brian Larson, seconded by Wayne Aderhold, and approved unanimously by a roll call vote, it was:

RESOLVED to approve the license application of Zachary Byrne.

Board Member	Approve	Deny	Recuse
Dr. Walter Campbell			X
Dr. Jeffrey Reinhardt	X		
Dr. Brian Larson	X		
Dr. Jonathan Vito	X		
Mr. John Wayne Aderhold	X		

Dr. Walter Campbell called for a break at 10:20 a.m.

Off the record at 10:20 a.m.

Back on record at 10:37 a.m.

Agenda Item 3 Call to Order/Roll Call Time: 10:37 a.m.

The meeting was called to order by Chair, Walter Campbell at 10:37 a.m.

Board Members Present, constituting a quorum:

Walter Campbell, Doctor of Chiropractic, Chair
 Brian Larson, Doctor of Chiropractic
 Jeffrey Reinhardt, Doctor of Chiropractic
 Jonathan Vito, Doctor of Chiropractic
 John Wayne Aderhold, Public Member

Division Staff present were:

Aiko Zaguirre, Licensing Examiner
 Laura Carrillo, Records and Licensing Supervisor (*via teleconference*)
 Janey Hovenden, Division Director (*via teleconference*)
 Martha Hewlett, Administrative Officer (*via teleconference*)
 Jasmin Bautista, Investigator

Present from the Public:

Via teleconference:

James Heston, Doctor of Chiropractic, and subcommittee lead
 Edward Barrington, Doctor of Chiropractic, and subcommittee member
 Sheri Ryan, Chief Operating Officer, Alaska Chiropractic Society
 Todd Curzie, Doctor of Chiropractic, and President of the Alaska
 Chiropractic Society

Agenda Item 4**Review Agenda****Time: 10:39 a.m.**

After the Roll Call, Chair, Dr. Campbell asked the Board to review their agenda. Since the Board finished a few minutes behind schedule due to the oral interviews, Dr. Campbell asked if they can ask Laura Carrillo to provide her FCLB Update per the time indicated on the Agenda. Aiko Zaguirre informed Dr. Campbell that Ms. Carrillo messaged her, informing her that she might not be able to call on time due to scheduling conflicts during travel status. The Board then proceeded to review their agenda.

Ms. Zaguirre respectfully asked Dr. Campbell if they can add one application to review under Board Business, as it was tabled a week before their meeting. Ms. Zaguirre also informed the Board that on May 4th, the last subcommittee meeting was held and Drs. James Heston and Edward Barrington requested that their presentation on the SB 69 regulations project be moved after 1:30 p.m. instead of 1:15 p.m., as they both will not be available at that time. In addition, Ms. Zaguirre stated that Sheri Ryan, who will be providing the ACS Update for the Board, attended the subcommittee meeting and suggested that they can change the time of their presentations as she was scheduled for 1:45 p.m.

Ms. Zaguirre explained that since the agenda had already been posted on the website two weeks prior to the meeting, she did not want to change what has already been posted for the public.

On a motion duly made by John Wayne Aderhold, requesting unanimous consent, and approved unanimously without any objections, it was

RESOLVED to accept the agenda as amended.

Agenda Item 5**Review Minutes****Time: 10:41 a.m.**

The Board proceeded to review the minutes from their January 20th & 21st, 2017 and March 28th, 2017 meetings.

Dr. Campbell asked Ms. Zaguirre for an update regarding the letters that the Board wanted to send to the Workers' Compensation Committee and Board, as noted in their January 20th & 21st meeting minutes. Ms. Zaguirre recalled that the Board agreed to draft the letter on January 21st, however, it was not do so due to their discussion and work on the SB69 regulations draft at that time. Dr. Campbell recalled that the Board was planning to ask the previous Board chairs to write a letter and submit them altogether to the Workers' Compensation Board. Dr. Campbell provided the new

members with a background as to what issues the Board wanted to address, specifically on how some of the Workers' Compensation Board's regulations appear to be going against the chiropractic profession due to the rules on charging Centers for Medicaid and Medicare Services (CMMS). It was then suggested by Dr. Campbell to tackle this issue under Board Business. Ms. Zaguirre stated that if the Board would like to add that on the agenda, they would have to amend the motion that they had approved earlier to change the agenda to reflect adding a discussion on workers' compensation issues.

On a motion duly made by Brian Larson, requesting unanimous consent, and approved unanimously without any objections, it was:

RESOLVED to approve the minutes of the January 20th & 21st, 2017 meeting minutes.

TASK:

Examiner will locate the letters drafted by Drs. Walter Campbell and Edward Barrington in the past, to be submitted to the Workers' Compensation Board.

TASK:

Chair, Dr. Campbell will contact previous Board Presidents to encourage them to write a letter addressed to the Workers' Compensation Board regarding the issues affecting the chiropractic profession.

The Board proceeded to review the meeting minutes from their teleconference on March 28th, 2017 regarding a case reviewed by the Utilization Review Committee.

Chair, Dr. Campbell commended the Board for a job well done during their March 28th teleconference, especially the Utilization Review Committee, as they were able to close the case that had been opened for a long time, to which the rest of the Board agreed. Dr. Campbell asked Ms. Zaguirre if the licensee involved had already been informed of the decision to, which Ms. Zaguirre confirmed. Ms. Zaguirre also noted that a consent agreement will be drafted by the Board's investigator, which should be available at their next scheduled meeting. Dr. Campbell asked if it will be possible to expedite the consent agreement, especially since the case had already been opened for a couple of months. Ms. Zaguirre stated that she will follow up with the Board's Investigator, Jasmin Bautista, in regards to the consent agreement.

On a motion duly made by Jonathan Vito, requesting unanimous consent, and approved unanimously without any objections, it was:

RESOLVED to approve the minutes of the March 28th, 2017 teleconference.

TASK:

The Examiner will ask the Investigator to expedite the drafting of the consent agreement in regards to the recently closed Utilization Review case.

Agenda Item 4

Review Agenda

Time: 10:54 a.m.

As earlier suggested, Dr. Campbell recommended that the Board should discuss the issues regarding workers' compensation during their meeting, under Old Business.

On a motion duly made by Walter Campbell, seconded by Jonathan Vito, and approved unanimously it was

RESOLVED to amend the Agenda earlier approved, by adding a discussion on workers' compensation under Old Business.

Agenda Item 7

Board Business

Time: 10:56 a.m.

Ethics Report

Chair, Dr. Campbell addressed ethics reporting. There were no ethical violations to report.

Review Goals and Objectives

With no ethical issues to report, Chair, Dr. Campbell proceeded to the review of the Board's Goals and Objectives. John Wayne Aderhold reminded the Board that he was tasked to be in touch with Senator Seaton's office for advice about the Board's plan on being added to AS 12.62.400 to utilize the National Criminal History Record checks as noted in Goal 7, Objective 1. Dr. Campbell explained that the reason why the Board has been wanting to pursue this is due to the difficulty in acquiring a background report from other states. Dr. Campbell added that previous Board members thought that it might be easier for applicants, staff, and the Board to review a unified national background check instead.

Mr. Aderhold stated that he spoke to Dr. Heston, former Board Chair, and was given a copy of Senate Bill 41 from the 29th Legislature, which shows that the Board of Psychology was also trying to pursue adding a national criminal background check, and was previously sponsored by Senator Giessel. However, Mr. Aderhold added that SB41 did not move further due to its lack of action. Dr. Larson asked if there is a possibility to ask the Alaska State Troopers to run an NCIC report, as they are the agency in the State that does the background checks. However, Dr. Campbell commented that asking the

Alaska State Troopers to add an additional step may not be an option as this might require additional approval for authority.

The Board determined that another issue on requiring background checks from different states is the dissimilarities in requirements and even instructions, specifically on who can acquire a background check, and to whom it may be sent. Dr. Larson and Mr. Aderhold suggested that the Board should try to coordinate with other Boards that want to be granted the authority to require a national background check, such as the Board of Psychology. Mr. Aderhold stated that Dr. Heston recalled that former Board member, Dr. Barrington may have been in touch with Senator Giessel's office regarding this topic and might have more information. The Board continued to have an extensive discussion in regards to the national background check issue.

In the light of the national criminal background check report topic, Ms. Zaguirre stated that the subcommittee included language in the SB69 regulations draft, giving prospective certified chiropractic clinical assistants the option to request only for a national criminal background check, instead of both a background report from Alaska and another state where they currently reside. If the Board will not be added to AS 12.62.400, then the draft will have to be changed.

Ms. Zaguirre also added that the Alaska Board of Certified Real Estate Appraisers, who are included in AS 12.62.400, are not in favor of adding the national criminal background check requirement in their current regulations, as they deem it unnecessary and even a nuisance to the whole application process.

On a motion duly made by Jonathan Vito, requesting unanimous consent, and approved unanimously without any objections, it was:

RESOLVED to approve the Goals and Objectives as written.

TASK:

Ms. Zaguirre will get in touch with the examiner of the Alaska Board of Psychology to inquire about the status of their previously proposed statutory change in regards to being added to AS 12.62.400.

Agenda Item 6

FCLB Update

Time: 11:12 a.m.

Laura Carrillo, Records and Licensing Supervisor, joined the meeting at 11:12 a.m.

Laura Carrillo, Records and Licensing Supervisor, left the meeting at 11:32 a.m.

After the Board reviewed their Goals and Objectives, Ms. Carrillo joined the meeting and was prompted by Chair, Dr. Campbell to provide her update as the attendee of the annual FCLB Conference in Orlando, Florida.

Ms. Carrillo began her update by stating that there were around 130 attendees, which was fewer than the previous year. Ms. Carrillo added that although there were fewer attendees than the previous year, more states were represented due to the FCLB partnering with the NBCE in providing more grants and scholarships for the conference. Ms. Carrillo informed the Board that topics discussed in the breakout sessions included teletherapy, which was a field that does not apply much to the chiropractic profession. Dr. Campbell agreed, and stated that there are only a few techniques that do not require a chiropractic physician physically present, in which teletherapy can be applied. Ms. Carrillo added that she does not foresee any need to amend regulations to implement teletherapy in the future, however, she suggested that the Board should be open for a dialogue in regards to this topic to exhibit fairness.

Ms. Carrillo also talked about the passport program being offered by the FCLB, which she believed is duplicative of the Board's courtesy license applications. Ms. Carrillo stated that the passport program creates a possibility of having an online application for initial licensure and renewals. Ms. Carrillo informed the Board that the Alaska Medical Board is currently working on creating an online application, to which Ms. Zaguirre asserted, as she is a part of that process. Ms. Zaguirre informed the Board that this project would give the applicants the responsibility to work on their applications, as they will be able to see an interactive check sheet and the most up to date status of their application online. In line with the possibility of creating an online application, Ms. Carrillo also talked about administering the jurisprudence exam online through myicourse.com, which is currently being used for continuing education. This would entail a regulation change as applicants are required to take the jurisprudence exam in person, in addition to having oral interviews. Ms. Carrillo stated that she still believes that it would be more beneficial to both the applicant and the Board to administer the jurisprudence examination in person, as it creates a relationship within Alaska's chiropractic community, especially with a smaller license group compared to other professions.

Another important topic that Ms. Carrillo reported was in regards to travel restrictions. Ms. Carrillo stated that other states, such as Washington and Oklahoma, are also experiencing difficulty in getting approved to travel for conferences. In order to jump through this obstacle, the Oklahoma State Board included in their statute to require the Board Chair and staff to any conference that would benefit their programs or profession. Ms. Carrillo stated that this can be an option for the Board, especially with the denial of travel for one of the members to join her in attending the FCLB

Conference, to which the Board agreed. Ms. Carrillo also reported that there had been a huge discussion on sunset audits, which the Board will have to prepare for within the next few years. From what both Ms. Carrillo and Ms. Zaguirre experienced with their sunset audits for the Marital and Family Therapy and Certified Real Estate Appraisers Boards, the auditors are really interested in knowing the Boards' intent in every action, which is why it is crucial that every motions are clear, and the meeting minutes are detailed.

Ms. Carrillo informed the Board that she will be providing them with a detailed handout for more information that she have acquired from the FCLB Conference.

TASK:

Ms. Carrillo will disseminate a handout of her FCLB Conference update to the Board.

Agenda Item 7

Board Business

Time: 11:33 a.m.

Jasmin Bautista, Investigator, joined the meeting at 11: 37 a.m.

Jasmin Bautista, Investigator, left the meeting at 12:40 p.m.

Review of Renewal Audit Certificates

After Ms. Carrillo's update on the FCLB Conference, Chair, Dr. Campbell prompted Ms. Zaguirre to assist them in the review of the renewal audit certificates. Ms. Zaguirre informed the Board that she initially reviewed the certificates, counted the number of hours completed, and compared it to their submitted renewal applications. All the information that the Board needs to review is summarized in a check sheet that Ms. Zaguirre created. Chair, Dr. Campbell suggested that they review the renewal certificates at a later time after they review a license application that was tabled.

Review of Application(s)

As per the Board's amendment of their meeting agenda earlier, the Board reviewed an application submitted by Howard Van Nostrand, which was tabled by one of the members through an email ballot.

On a motion duly made by Jonathan Vito, seconded by Wayne Aderhold, and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public

discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff, Ms. Zaguirre and Ms. Bautista were requested to stay while under executive session.

Off the record at 11:40 a.m.

Back on the record at 12:40 p.m.

Chair, Dr. Campbell clarified that no motions were made under executive session.

On a motion duly made by Walter Campbell, seconded by Wayne Aderhold, and approved by a roll call vote, it was

RESOLVED to deny Howard Van Nostrand's application for licensure by credentials based on AS 08.20.141 (2)(A)-(C), and AS 08.20.170 (a)(2)-(4)(A), (6).

Board Member	Approve	Deny	Recuse
Dr. Walter Campbell	X		
Dr. Jeffrey Reinhardt	X		
Dr. Brian Larson	X		
Dr. Jonathan Vito			X
Mr. John Wayne Aderhold	X		

Chair, Dr. Campbell called for a lunch break at 12:45 p.m.

Off the record at 12:45 p.m.

Back on the record at 1:59 p.m.

Agenda Item 11

ACS Update

Time: 1:59 p.m.

Sheri Ryan, CEO, Alaska Chiropractic Society, joined the meeting at 1:59 p.m.

Sheri Ryan, CEO, Alaska Chiropractic Society, left the meeting at 3:10 p.m.

Edward Barrington, Doctor of Chiropractic, Subcommittee Member, joined the meeting at 1:59 p.m.

Edward Barrington, Doctor of Chiropractic, Subcommittee Member, left the meeting at 3:10 p.m.

Todd Curzie, Doctor of Chiropractic, and President of the Alaska Chiropractic Society, joined the meeting at 1:59 p.m.

Todd Curzie, Doctor of Chiropractic, and President of the Alaska Chiropractic Society, left the meeting at 2:16 p.m.

After lunch, Chair, Dr. Campbell asked Ms. Ryan to provide her ACS Update to the Board.

Ms. Ryan began her update by informing the Board that the Alaska Chiropractic Society invited the President of the Alaska Chapter of the Physical Therapy Association, Leanne Carrothers, to their legislative meeting and talked about Senate Bill 49, highlighting the concerns of many chiropractors in regards to them claiming the title of “physiotherapist.” Ms. Ryan stated that Ms. Carrothers was very open to their concerns, and had a meeting with their association regarding the issue and were agreeable to a friendly amendment to withdraw the “physiotherapist” title. Ms. Ryan stated that the ACS legislative committee, as headed by Dr. Barrington, is planning to meet with the Alaska Board of Physical Therapy in regards to SB49, and also talk about possibly having joint ventures on certain issues regarding workers’ compensation, potentially, Senate Bill 112.

Ms. Ryan also informed the Board that the 2018 ACS Convention is currently being planned and has been scheduled for October 4-6, 2018. Ms. Ryan asked the Board for suggestions on topics and issues to be emphasized and further discussed in the 2018 convention, and any speakers that they would like to recommend. The theme for the 2018 convention will be, “Be the master architect of your practice.”

Ms. Ryan also reported that she had asked members to volunteer to be a part of the Board’s Utilization Review Committee. Ms. Zaguirre informed Ms. Ryan that the Board has received only one application from a chiropractor so far, and would also need a public member. Ms. Ryan stated that she would sternly ask members to apply and will also help look for a public member.

Ms. Ryan also informed the Board that the ACS is planning to facilitate a continuing education course event that focuses on the topic of philosophy, which they will be applying for soon. Ms. Ryan stated that Dr. Todd Curzie will be the facilitator of the course as he has a doctorate in Philosophy from Palmer College of Chiropractic. Ms. Ryan added that the ACS is planning to have this available both in person and via webinar to make it available to all chiropractors in Alaska. In line with the continuing education course topic, Ms. Ryan asked the Board what would fall under the topic of ethics and boundaries, as there had been a lot of confusion in the past as to what subjects can be considered under this topic. Dr. Campbell responded by stating that the Board wants to keep this topic unspecified, as ethics and boundaries have always been broad in nature. Dr. Campbell added that when a CE course is submitted, the Board

would always read through all the supporting documents. Ms. Ryan and the Board continued their discussion on continuing education courses.

After Ms. Ryan's update, Dr. Campbell asked if the ACS have had any more correspondences with the Workers' Compensation Board. Dr. Campbell recalled that during their October 2016 meeting, the Board engaged in dialogue with them, who were very receptive at that time. The Board was supposed to finalize their plan to write multiple letters on their January 2017 meeting, however, were not able to do so, as they gave more time in drafting their regulations in regards to SB69. Consequently, the Board lost two board members after the January 2017 meeting, without finalizing any plans to correspond with the Workers' Compensation Board. Ms. Ryan informed the Board that the WC Board just had their meeting on May 11th, wherein they have provided new guidelines regarding fee schedules. Ms. Ryan reported that within the new guidelines, the WC Board adopted a carve-out that is specific for chiropractors. Ms. Ryan continued to provide the Board more information regarding the carve-out, and the guidelines for the new fee schedule that would affect chiropractic physicians. Ms. Ryan stated that the ACS will be posting on their website an update in regards to the guidelines on the new fee schedule, in addition to all the codes that can be used by chiropractors for billing. Since chiropractors are listed as physicians within the workers' compensation code, they can bill for testing, examination, therapies, and all other allowed practices for physicians under the said code. Because of this, chiropractors would have a strong case in the event of an appeal or objection to any workers' compensation insurance company denying for those services. The guidelines were put out on January of 2017, and were finalized as regulations on April 1st, 2017, Ms. Ryan reported.

Ms. Ryan also informed the Board that the ASC drafted a letter that they are planning to send to the Governor in regards to the issues on workers' compensation, which have not been forwarded yet, as they are hoping that the new guidelines would put all those issues to rest. Dr. Campbell asked Ms. Ryan if it will be advisable to send any letters to the WC Board, as they were planning to do so. Ms. Ryan suggested that the Board should wait until they know for sure that there is a necessity to do so, to which Dr. Campbell agreed to. However, if the letters are just to remind the WC Board of the Alaska Chiropractic Board's purpose, then it is up to the Board's discretion on whether or not they send out letters. Ms. Ryan also stated that she will be attending all the meetings of the Workers' Compensation Medical Services Review Committee, in order to make sure that they cover all issues affecting the chiropractic profession. Dr. Curzie clarified that the WC Board seems to be on the Board's side, as they are more than willing to fight for the chiropractic workforce.

Agenda Item 12

Old Business

Time: 2:16 p.m.

SB69 Regulation Update

After the ASC Update, the meeting continued with Dr. Barrington's presentation of the regulations draft prepared and discussed by the subcommittee, which consisted of Drs. Edward Barrington, James Heston, and Daniel Holt. Dr. Heston was supposed to attend the meeting, however, was not able to, as he had to tend to a patient after 2:00 p.m.

Dr. Barrington stated that if the Board approves the regulations draft, it would still need to go to the regulations specialist, Jun Maiquis, and the Department of Law. Dr. Campbell asked if there is a portion in the regulations draft that addresses the scope of practice for certified chiropractic clinical assistants, and the definition of supervision. Ms. Ryan stated that that would be in statute, under SB69, wherein it supervision and the CCCAs' scope of practice are defined. Ms. Ryan noted that the scope of practice for interns and preceptors were included in the regulations draft, as they were not defined in statute. Dr. Campbell asked Dr. Barrington what the subcommittee thinks to be an appropriate supervision over a CCCAs. Dr. Barrington stated that the subcommittee kept that open to allow CCCAs to be able to work autonomously in their office, under the direct orders from the supervising chiropractic physician. The Board continued to have a discussion regarding direct supervision with Dr. Barrington and Ms. Ryan.

Dr. Larson expressed his concerns on the broadness of the term "procedures" that the CCCAs can perform as stated on the amended Sec. 08.20.168. Dr. Barrington stated that he does not see any problems on this, as both what the chiropractic physicians and assistants can do are already listed in the statutes. Dr. Barrington added that the subcommittee and ACS legislative committee are careful not to limit the CCCAs' scope of practice as it would create more problems, due to being too constrictive. Under AS 08.20.100 (a), Ms. Ryan stated that only a licensed chiropractic physician may use chiropractic core methodology, and this is further elaborated on AS 08.20.900(6), wherein it includes chiropractic adjustment. With this definition, Ms. Ryan argues that this would eliminate the possibility for CCCAs to do adjustments, to which the Board agreed. The Board continued to have an extensive discussion on the scope of practice for certified chiropractic clinical assistants with Ms. Ryan and Dr. Barrington.

Dr. Barrington stated that it will be up to the Board to make the changes to the regulations they deem necessary, however, the Board would need to consider the time it takes for a regulation proposal to be adopted, not to mention the costs. Dr. Barrington asked Ms. Zaguirre when the Board needs to have the regulations finalized. Ms. Zaguirre stated that it was her understanding that the Board was given a year after the SB69 was passed to draft and finalize regulations.

Dr. Campbell asked Ms. Ryan if the original requirement for the program is to pass the examination given by the FCLB. Ms. Ryan stated that the requirement would depend on whether or not the employee is new or experienced. Ms. Ryan elaborated that if the employee has at least a year or 2000 hours of experience, they would only need to pass the test given by the FCLB. According to Ms. Kelly Webb, the exam is basic, and anyone who has a year of experience should be able to pass. Ms. Ryan stated that there is a study guide for those who would like to review for the exam, and is recommending the Tennessee Chiropractic Association's CCCA program materials available on their website. Ms. Ryan also added that once the SB69 regulation project pushes through, the ACS will be posting study materials on their website and also will be sending them out to their members. In addition, it has been noted that although the registered apprenticeship program provided by the Department of Labor is an excellent program, it is not required for registration or certification of CCCAs. Ms. Ryan stated that for those who have less than 2000 hours of experience, they are required to take a 24-hour class as approved by the FCLB or an equivalent nationally recognized program, which can be submitted for their approval. As part of the registration requirement, applicants are required to submit a verification of completion of a program approved by the FCLB, in addition to passing the test. Ms. Ryan and Dr. Barrington stated that the applicant may take the examination many times, however, would need to pay a \$100 re-testing fee each time they would plan to re-take. Ms. Ryan continued to present the rest of the regulations draft on SB69 to the Board, which the Board discussed extensively.

The next item discussed thoroughly was in regards to the relationship between a registered intern and a preceptor. Ms. Ryan stated that although unlicensed, registered interns are to be held under the same standards according to AS 08.20.170 regarding conduct, just like the preceptors who are licensed chiropractic physicians in the State. The purpose of adding this is to give the Board the authority to remove a preceptor from the program, if necessary. For the interns, however, as they are not licensed in the State, they are only given these standards for the preceptor to inform the Board for any non-compliance. Dr. Campbell asked what needs to be done when the non-compliance is not related to conduct. Ms. Ryan stated that the sponsoring chiropractic physician would have to contact the intern's school and inform them of their issues with the intern. The Board then discussed the interns' scope of practice. Dr. Larson asked if an intern may conduct an examination, to which Ms. Ryan agreed, per statute.

After an extensive discussion regarding the SB69 regulations draft, as recommended by the subcommittee and the ACS, the Board commended and expressed their gratitude towards Ms. Ryan and Dr. Barrington for the work they have done. Chair, Dr. Campbell stated that this regulation change is extremely crucial to the chiropractic profession, and the amount of work that they have put together was very much appreciated.

On a motion duly made by Brian Larson, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to accept the regulations drafted in regards to SB69 as recommended by the Subcommittee in cooperation with the Alaska Chiropractic Society, for the Application for Certified Chiropractic Clinical Assistant by Registration, Application for Certified Chiropractic Clinical Assistant by Credentials, Application for Chiropractic Intern Registration, Application for Chiropractic Preceptor Approval, Preceptor Responsibility, and Intern Scope of Practice as written, and be forwarded further to the Division's Regulations Specialist.

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Walter Campbell	X		
Dr. Jeffrey Reinhardt	X		
Dr. Brian Larson	X		
Dr. Jonathan Vito	X		
Mr. John Wayne Aderhold	X		

Agenda Item 15 Budget Report/Division Update

Time: 3:15 p.m.

Janey Hovenden, Director, joined the meeting at 3:05 p.m.

Janey Hovenden, Director, left the meeting at 3:39 p.m.

Martha Hewlett, Administrative Officer, joined the meeting at 3:05 p.m.

Martha Hewlett, Administrative Officer, left the meeting at 3:39 p.m.

After a thorough discussion in regards to the SB69 draft regulations, Dr. Campbell asked Directory Janey Hovenden and Martha Hewlett to proceed with the Division Update and Budget Report.

Ms. Hewlett began with providing the Board their financial status with her budget report. Ms. Hewlett informed the Board that their personal services in the contractual line is exceptionally less due to currently not having any cases being worked on by their investigator or by the Department of Law, compared to the previous years. The Board was affirmed that their current financial status is in a surplus, especially after going through renewals last December.

With no further questions regarding the Board's budget, Chairman Campbell commented on his discontent in not being approved to attend the annual FCLB Conference as the recently appointed Board President. Dr. Campbell reasoned that conference would have been an informative event for the Board, especially with two new members. Dr. Campbell stated that Ms. Carrillo was only able to attend due to being granted a scholarship that she had applied for. Dr. Campbell added that the Board does not travel often, and only attends the FCLB Conference once a year. Although aware of the travel restrictions, Dr. Campbell thought that it was unfair to not be considered for important events such as the FCLB Conference, especially with the current budget of the Board being in a surplus. Director Hovenden stated that it has been really unfortunate given the State's current circumstance, and explained that as a Division within the State, everyone is still subject to comply with all the policies and procedures, including Board members as appointed by the Governor.

Director Hovenden reported that there are a couple of reasons for the denial of a travel request, and one of them would be if the program's budget is in deficit, which is not the case for the Chiropractic Board. Director Hovenden stated that they cannot simply allow all travel requests to be approved. Dr. Campbell stated that although he understands that not all travel requests are approved, he does not think that it is fair to deny a Board member from attending the most important conference for their profession that only happens once a year. In addition to all the information that they would have gathered from the FCLB conference, being able to converse with other state Boards is also essential as part of their job as members of the Board. Director Hovenden stated that she is hoping that there would be more spending authority to be provided to the Division to allow sending more than just one person to attend a conference that is not third-party reimbursed. Director Hovenden added that it is crucial to have a strong travel justification to determine if whether or not a request is approved.

Dr. Campbell also stated that he was willing to pay for his own travel to attend the conference, however, was informed that it would be an ethical violation since he was denied by the Division. Director Hovenden and Ms. Hewlett responded that so as long as they are not representing themselves as a member of the Alaska Board of Chiropractic Examiners, then that would be acceptable. Ms. Zaguirre, however, stated that it was her recollection from one of their meetings that per the instruction of Sara Chambers, Division Operations Manager, a Board member cannot be disassociated from the Board, even when they are attending a conference as a professional, to which the Board agreed.

Dr. Campbell thanked Director Hovenden and Ms. Hewlett for their reports and asked them to continue to support the Board for future travel opportunities.

The Board had a discussion on the travel restrictions, and how they can work on not missing out the opportunity to learn from the annual FCLB Conference. Ms. Zaguirre suggested that they can take the same route as Oklahoma State Board, who added attendance in the FCLB conference as required under their statutes.

Agenda Item 14 Public Comment/Correspondence Time: 3:39 p.m.

There was no one present from the public.

Agenda Item 7 Board Business Time: 3:39 p.m.

With no one present from the public for comment, Chairman Campbell asked the Board to return to the items not yet addressed under Board Business.

Ratify Licenses

The Board recalled the exam candidates from the previous meeting in January.

On a motion duly made by Jonathan Vito, seeking for unanimous consent, and approved unanimously without any objections, it was

RESOLVED to ratify the new licenses for Levi Baron, Daniel Costello, Garret Hussion, Lena Nazarek, Steven Rupp, James Ryan, Aaron Shoemaker, and Jeffrey Sturgill.

Chair, Dr. Campbell called for a break at 3:40 p.m.

Off the record at 3:40 p.m.

Back on the record at 3:47 p.m.

Agenda Item 12 Investigations Report Time: 3:47 p.m.

Jasmin Bautista, Investigator, joined the meeting at 3:47 p.m.

Jasmin Bautista, Investigator, left the meeting at

Ms. Bautista reported that from December 31st to the end of April, three matters were opened for the Board, with one intake closed, and two ongoing. Ms. Bautista stated that all complaints received—phone calls, emails, or letters—against any licensee, would initially be identified as intakes. Since there were new members, Ms. Bautista provided the Board with a short summary of the investigative process.

Dr. Campbell asked Ms. Bautista if the Board can discuss the two open cases outside of executive session. Since the two open matters are in regards to an application that is currently in process, they would have to discuss them under executive session, Ms. Bautista responded.

On a motion duly made by Brian Larson, seconded by Wayne Aderhold, and approved unanimously, it was

RESOLVED to enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion and Matters which by law, municipal charter, or ordinance are required to be confidential and for the purpose of discussing confidential disciplinary matters for the purpose of discussing investigations and reports.

Staff, Ms. Zaguirre and Ms. Bautista were requested to stay while under executive session.

Off the record at 3:57 p.m.

Back on the record at 4:16 p.m.

Chair, Dr. Campbell clarified that no motions were made while under executive session.

Dr. Campbell commended the Board members and staff for professionally handling the investigation on the cases opened.

Agenda Item 7

Board Business

Time: 4:20 p.m.

Review of Renewal Audit Certificates

After the Board's investigations report, Chairman Campbell instructed the Board to review the renewal audit certificates.

On a motion duly made by Jonathan Vito, seconded by Walter Campbell, and approved unanimously by a roll call vote, it was

RESOLVED to approve the renewal audit certificates of the following doctors:

Name

Robert Murray
Daniel Larson
Tyler Jorgensen
Garrett Christensen
Linda Schertz
Lisa Grasman
James Heston
Gary Webb
Kevin Lewis
Milton Duncan
Alexandra Swenson
Douglas Luther
Jesse Foster
Maria Angel
Bobbie Edmond Frisk
Heather Gappert
Christopher Hogan
Jennifer Waldroup-Gray
Joel Ingersoll
Robert Como
John Collins
Mark Kufel
Gwendolyn Willmon
Maurice Michaud
Jessica Spindel
Michael Sciortino

Roll call vote:

Board Member	Approve	Deny	Recuse
Dr. Walter Campbell	X		
Dr. Jeffrey Reinhardt	X		
Dr. Brian Larson	X		
Dr. Jonathan Vito	X		
Mr. John Wayne Aderhold	X		

Board Position Statements

After reviewing the continuing education audit certificates, Dr. Campbell asked the Board for volunteers to draft the position statements on topics tabled last January 20th,

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2017. Dr. Campbell recalled that the Board wanted to simply draft a concise position statement on sexual harassment and suggested to table this to the next meeting.

As for the position statement on valid therapies under chiropractic manipulation, Dr. Campbell clarified that the Board's intent was to endorse essentially any directed force technique and provide a definition as to what is an acceptable therapy under manipulation. Dr. Campbell assigned Dr. Reinhardt to draft a position statement in regards to valid therapies under chiropractic manipulation as he is an instrument adjuster. Dr. Reinhardt was willing to take on writing a position statement for the topic assigned, however, he asked if he could call other members for their opinion. Dr. Campbell stated that so as long as the meeting consists of less than three people, then it is okay to communicate with another Board member, which Ms. Zaguirre affirmed.

The next position statement to be drafted was on dry needling, which the Board had a thorough discussion on. Dr. Campbell stated that the Board was previously informed by the Department of Law that using needles constitutes a surgery, and therefore, is not included in the chiropractic scope of practice. However, the Board expressed their disagreement on this, which was why the Board had thought of putting out a position statement that practicing dry needling is allowed, as it is within the chiropractic scope of practice. Dr. Larson volunteered to draft the position statement on dry needling, which will be presented and discussed by the Board at their next meeting.

Dr. Campbell reminded the Board that the position statements are not time sensitive, however, are essential to keep the public informed.

TASK:

Dr. Reinhardt will draft the language for the Board's position statement on Valid Therapies under Chiropractic Manipulation.

TASK:

Dr. Larson will draft the language for the Board's position statement on Dry Needling.

Agenda Item 13

New Business

Time: 4:42 p.m.

Due to time constraints, the Board only briefly discussed military licenses and the new Boards and Commission's manual. Dr. Campbell suggested that the Board discuss military licenses and training at their next scheduled meeting, thoroughly. Dr. Campbell also informed the Board that he will be working with Ms. Zaguirre for the Board's FY 17 Annual Report.

TASK:

Dr. Campbell and the examiner will be working to complete the Board's FY 17 Annual Report and will submit to the Division's Publication Specialist.

Agenda Item 17 Administrative Business

Time: 4:46 p.m.

Set Meeting Dates

The Board proceeded to set their next meeting dates. Dr. Campbell suggested that the Board should meet again in September and December 2017 in Anchorage, and February 2018 in Juneau.

On a motion duly made by Jonathan Vito, seeking for unanimous consent, and approved unanimously without any objections, it was

RESOLVED to set the next three Board meetings for September 15th, 2017, December 15th, 2017, and February 16th, 2018.

Ms. Zaguirre reminded the Board to keep their receipts for their travel and email that either to her, or directly to the Travel Desk.

Agenda Item 18

Adjourn

Time: 4:52 p.m.

On a motion duly made by Jonathan Vito, seconded by Jeffrey Reinhardt, and approved unanimously, it was

RESOLVED to adjourn the meeting at 4:52 p.m.

Respectfully Submitted by:

Aiko Zaguirre
Licensing Examiner

Date

Approved by: